

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 24, 1873.

Read twice, ordered to be printed, and recommitted.

Mr. UPSON, from the Committee on Private Land-Claims, reported
the following bill :

A BILL

In relation to new trials in case of private land-claims against the
United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the circuit court of the United States for any district
4 thereof shall have the power to grant a new trial in any case
5 that has been, or may be hereafter, determined in the circuit
6 or district courts of the United States in such district,
7 involving the title to any land in said district which is
8 claimed to have been granted to any party by either the
9 French, Spanish, or Mexican governments before the cession
10 of the territory in which such land is situated to the United
11 States, wherein it shall be made to appear that through
12 fraud, accident, mistake, misfortune, or the misfeasance of

13 any officer of the United States that justice has not been
14 done, and that a further hearing would be just and equitable.

1 SEC. 2. That in such case any party claiming an interest in
2 such lands may, in his or her own name, present his petition to
3 said circuit court by bill in equity against any party in pos-
4 session or otherwise interested therein, setting forth the de-
5 scription of said premises, and the interest of the petitioner
6 therein, and the names and place of residence of all parties
7 supposed or known to be interested, and the nature of their
8 interest, so far as the same may be practicable, and the
9 reasons why such petitioner claims that injustice has been
10 done and that a new trial would be just and equitable; and
11 such notice of the pendency of such petition shall be given
12 as said court shall deem reasonable.

1 SEC. 3. That if such petition shall in any way affect the
2 title to any land belonging to the United States, or which has
3 been patented to any other party by the United States, notice
4 shall be given to the district attorney of the United States for
5 such district, who shall, under the direction of the Attorney-
6 General of the United States, take such measures as may be
7 necessary to protect the interests of the United States.

1 SEC. 4. That if on the hearing of such petition it shall
2 appear that injustice has been done, or that a further hearing
3 would be just and equitable, said circuit court may permit any
4 party interested in said premises to appear in his own behalf,

5 and shall hear and determine said cause as if no former trial,
6 judgment, or decree had been had or rendered therein, and may
7 revise any former judgment, order, or decree made or rendered
8 therein, and render such further judgment and make such fur-
9 ther order and decree as justice to all parties may require,
10 and may make such order as to the payment of costs as shall
11 be just and equitable.

1 SEC. 5. That any party aggrieved by the decision, judg-
2 ment, order, or decree of said circuit court, on such new trial
3 or hearing, shall have the right, in his own behalf, to appeal
4 to the Supreme Court of the United States, in the same man-
5 ner as appeals in other cases are now had in said circuit
6 court.

1 SEC. 6. That such petition shall be presented to said cir-
2 cuit court within two years from the passage of this act, or
3 within two years after any final judgment or decree shall
4 hereafter be made, and not otherwise.

1 SEC. 7. That if such petition shall be for a new trial of
2 any cause determined in the district court, the petitioner shall
3 file with his petition, in the office of the clerk of the circuit
4 court, attested copies of all papers and records on file in such
5 original cause in the district court.

1 SEC. 8. That said circuit court may cause the proceed-
2 ings on such petition and new trial to be amended by the
3 introduction of new parties, or otherwise, from time to time,
4 so that justice may be done.

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